

April 19, 1906.

A special meeting of the Board of Public Works of Maryland was held in the office of the Governor, at Annapolis, at 11.30 a.m., on Thursday, April 19, 1906; present: Governor Warfield, Comptroller Atkinson, and Treasurer Vandiver.

The Governor submitted the following communication from Mr. Allan McLane, Vice-President of the Maryland Trust Company:

April 9, 1906.

Hon. Edwin Warfield,  
Governor of Maryland,  
Annapolis, Md.

My dear Sir: -

Mr. Hersh and I would appreciate it very much if you could have a meeting of the Board of Public Works at your office here, on Thursday of this week as I understand you will be here on that day.

We are very anxious to discuss with the Board the matter of the payment for the 5500 shares of the stock of the Washington Branch of the Baltimore and Ohio Railroad Company.

Very truly yours,

(signed) Allan McLane

Vice-President.

Baltimore, April 12, 1906.

Allan McLane, Esq., Vice-President,  
Maryland Trust Company,  
Baltimore, Md.

Dear Sir:

Replying to your letter of the 9th instant, and confirming my telephonic statement of this morning, I beg to say that Governor Warfield (who is out of the City for some days) has called a meeting of the Board of Public Works for next Thursday, April 19th, at noon, in Annapolis, when he will be pleased to have you and Mr. Hersh meet the Board for the purpose indicated in your letter.

Very truly,

Secretary to the Governor.

and stated that Mr. Grier Hersh, President of that Company, with Mr. Van Ness, Treasurer, was present for a hearing before the Board.

These gentlemen thereupon appeared, and stated that they desired to confer with the Board in reference to the price to be paid by the Maryland Trust Company for the necessary outstanding securities with which to pay for the stock of the Washington Branch of the Baltimore & Ohio Railroad, owned by the State, which the Maryland Trust Company has agreed to purchase.

Mr. Hersh stated that a combination of brokers has put up the price of said bonds and is endeavoring to squeeze the purchasers, and so the State. The conference resulted in an agreement that Mr. Hersh would make another effort to secure the needed stock at par and interest; failing which, the Board would endeavor to aid him.

On motion of the Comptroller, seconded by the Treasurer, the Board agreed to meet in the Governor's office at the Fidelity Building, Baltimore, on Friday, April 27th, at eleven o'clock A.M., to finally consummate the sale of the State's holdings of stock in the Washington Branch of the Baltimore & Ohio Railroad to the Maryland Trust Company and Mr. Hersh was so informed.

The following communication from Commander Howard of the State Fishery Force, reporting that the Steamer Governor Thomas needs a new boiler was submitted:

Annapolis, Md., April 17, 1906.

To the Honorable,  
The Board of Public Works  
of the State of Maryland.

Gentlemen: -

Since my last report the oyster industry has been at a standstill, with the exception of the demand for seed oysters, going out of the State, which has been very active. Deputy Commanders and the few oyster inspectors now on duty have been busy collecting the oyster tax and enforcing the cull law in the different tributaries where there is a demand for seed oysters. We have been looking after violations of the oyster law in the Potomac river since the close of the dredging season, and have been able to locate and warn some of the captains of boats that were equipped for dredging after the season closed. In the Potomac River we have made several arrests of captains with cargoes of oysters undersized. These captains had fines to Virginia authorities, but were also tried in Maryland, convicted and sent to jail, as they were not able to give bond. The attention of the Governor of

Virginia has been called to this matter and he has promised to investigate the same, but as yet has failed to do so.

From the beginning of the oyster season to March 31st, tax has been collected on 2,431,668 bushels of oysters, caught in the State of Maryland.

Oysters have been carried out of the State, through the canal, to the amount of 17,991 bushels. This does not include oysters going out of the state by the coast.

On the first of May the sail boats will all be overhauled and put in order for the next season. These boats (with the exception of the "Frolic", which I am afraid will have to be rebuilt) are in good repair and only need painting and a little patching here and there.

It is very important that the steamer "Governor Thomas" should have a new boiler, and the contract should be given out at the very earliest date. The Steamboat Inspectors have given us notice that this boiler will not again be allowed inspection, and it was inspected the last time under protest, with the distinct understanding that the old boiler should be replaced by a new one.

Under the new law, the Shell Fish Commission is supposed to have the use of one of the state steamers, from the first day of April until the first day of October, and it is more than likely that they will need one during October and November - two of the most desirable months of the year for their work. That being the case, we would have no steamer ready to attend to our general work connected with the Oyster Navy, as the license on the Steamer Thomas expires on October 7th. Should the new boiler be ordered at once it will not be more than completed at that time, owing to the fact that it is the hardest matter to get orders for steel filled.

Salaries for month of April	\$2,615.82	
Expenses " " " "	<u>512.54</u>	3,128.36
Balance to credit of Oyster Fund April 17, 1906		<u>2,275.67</u>
Leaving a deficiency of .....		\$ 852.69

This deficiency can be overcome by money due us on account of packers' licenses, excess tax and fines, and there ought to be enough left to run us another month. However, this money will not be avail-

able until June 1st, and it will be necessary to borrow in order to meet expenses for the months of May, July, August and September.

Respectfully submitted,

(signed) T. C. B. Howard.

whereupon the Comptroller offered the following:

"Whereas the boiler of the Steamer 'Governor Thomas' is in such a dangerous condition that the boiler inspectors refuse to pass it after the expiration of the present license, therefore

Be it resolved, that Commander Howard be authorized to ask for bids for a new boiler, to be submitted to the Board of Public Works," which was seconded by the Treasurer and carried.

Commander Howard of the State Fishery Force appeared before the Board to state that he had incurred, in the last five years, expenses in connection with the work done by him in the payment of oyster inspectors, measurers, etc., amounting to some seven or eight hundred dollars, and he asked that a lump sum of five hundred dollars be appropriated by the Board to compensate him for these extra expenditures. On motion, he was instructed to prepare an itemized statement of these expenditures, since the present State administration came into office, and to submit the same at the next meeting of the Board, but that he could not expect any return of the monies expended by him prior to January 1904.

The following communications, from the Governor of Virginia were received and, on motion, ordered spread on the Minutes of this meeting.

Executive Department,  
Annapolis, Md., March 21, 1906.

Hon. Claude A. Swanson,  
Governor of Virginia.

Dear Sir: -

I am instructed by his Excellency, Governor Edwin Warfield of Maryland, to advise you that at a recent meeting of the Board of Public Works, Commander Tho<sup>s</sup>. C. B. Howard of our State Fishery Force submitted to the Board a copy of a complaint received by him from Capt. George W. Maddox of the Oyster Police Schooner "Bessie Jones" as to the capture by Virginia Police boats, in February last, under cover of assistance rendered himself, of certain Maryland boats which were violating the Oyster Law in the Potomac River, the fines imposed,

which properly belonged to the State of Maryland but were diverted by this unfair treatment to the State of Virginia.

On motion, the Governor was directed to take up this matter with the Governor of Virginia and ask him for an explanation of the discourteous treatment accorded the Maryland boats and for a refund of the money improperly paid to Virginia.

Commander Howard reports that during the administration of Governor John Walter Smith, a similar complaint was made on the part of the Virginia authorities against the action of certain Maryland Police boats that had captured some Virginia vessels for violation of the Oyster Laws on the Potomac River, and that the fines that were imposed by the Maryland Courts in these cases were properly refunded to Virginia.

With esteem and regard, I am,

Very truly yours,

(signed) Oswald Tilghman,

Secretary, Board of  
Public Works.

Governor's Office,  
Richmond, March 26, 1906.

Mr. Oswald Tilghman,  
Board of Public Works,  
Annapolis, Maryland.

My dear Sir: -

His Excellency, Governor Claude A. Swanson, directs me to acknowledge receipt of your communication of March 21, concerning the alleged imposition of fines by officers of Virginia. The Governor desires me to say that the matter will be looked into at once and a thorough investigation made and that the rights of Maryland will be fully respected.

With consideration of high esteem, I remain,

Very truly yours,

(signed) Ben. P. Owen, Jr.

Private Secretary.

Richmond, April 17, 1906.

Mr. Oswald Tilghman, Secretary,  
Board of Public Works,  
Annapolis, Maryland.

My dear Sir: -

Since the receipt of your letter of March 21, I have made an investigation of the matters therein referred to and I send you herewith copy of the letters containing the statement of Capt. Hudgins and Inspector Price in regard to what happened, concerning which complaint was made. It would seem from the facts stated, by Capt. Hudgins that the fines were properly imposed, collected and paid into the Treasury of Virginia. This case seems to be far different from the ones referred to in your letter. The Attorney-General concurs with me in the statement of the facts as made by Capt. Hudgins, that the fines were properly turned over to the Virginia authorities.

If the facts are different from those stated by Capt. Hudgins and your conclusions are different from those entertained by the Attorney-General and myself I will be glad to hear from you further in this matter, as I assure you it is the purpose of the Virginia authorities to do full justice and act with the utmost fairness toward the state of Maryland in this and all other matters.

With consideration of high esteem, I am,

Very respectfully yours,

(signed) Claude A. Swanson,

Enclosures.

Governor of Virginia.

"Pluck" King Geo. Co., Va.  
February 20, 1906.

Hon. Claude A. Swanson,  
Governor of Virginia,  
Richmond, Va.,

Dear Sir: -

My attention having been called to the enclosed clipping from the Baltimore Sun of the 17th, I deem it my duty to make your Excellency the following statement of facts in the case. On the 13th inst., while cruising in the Potomac River, I fell in with Captain Maddox, Md. Police Schooner "Bessie Jones", who stated that he had driven some vessels from Swann Point (in Potomac River) and requested me to assist in overhauling them. I immediately gave chase but finding that I could not overtake them before they could get in Machodac Creek, King George County, Va. I altered my course and went to the assistance of Captain Maddox, who was pursuing two vessels up the Potomac River. I succeeded in overtaking them near Cedar Point on the Md. side of the river, when seeing the "Bessie Jones" so far behind I went down and towed her up to one of the Schooners,

4-19-06

in the meantime the other Schooner made her escape and went to Machodoc Creek. I then went across to Machodoc and fined all the vessels I found in there with uncultured oysters on board.

In explanation, I beg leave to state that when we arrest Maryland citizens in the Potomac River for violation of the concurrent oyster laws, I carry them to Maryland for trial, but when we arrest them in Va. waters we consider them Va. citizens "dejure" amenable to Va. laws and fine them by virtue of Sec. 5, of the concurrent act to regulate the taking of oysters in Potomac River, Chesapeake Bay, &c., appd. March 2nd, 1894. I desire further to state that Capt. Maddox did not request me, nor did I promise to tow the vessels out of Machodoc Creek to him, besides I do not think it legal to have done so. The vessels did not follow us in Machodoc, on the contrary they were in at anchor sometime before I arrived. If I could have captured them in the Potomac I would certainly have turned them over to Captain Maddox. Respectfully submitting the above statement for your information and superior judgment, I have the honor to be,

Your obt. Servt.

W. E. Hudgins, Captain,

Va. State Str. "Rappahanock".

"Pluck"

King George Co., Va.  
April 15, 1906.

Hon. Claude A. Swanson,  
Governor of Virginia,  
Richmond, Va.

Dear Sir:

Yours of the 31st of March, with communication from Mr. Oswald Tilghman, Secty. Board of Public Works of Md. enclosed, was not received by me until to-day on my arrival at Colonial Beach having been absent attending the last meeting of the old Board of Fisheries in Norfolk. I would call your attention to my letter of the 20th of February, in which I gave you the facts in the case referred to, which you acknowledged on the 24th Feby. The facts therein stated were correct, a copy of which I gave Chairman McD. Lee a few days ago, who said he understood the case and would take the matter up with you at once. Would state however the case referred to by Commander Howard as being similar, was entirely different. Commander

Howard arrested some Virginia vessels in the Potomac for violating the oyster law, and instead of taking them to Virginia for trial, as the law directs, he carried them to Md. before a J.P. and fined them. The matter was reported to our Governor, who after the facts were represented to the Governor of Md. the money improperly collected was returned. I respectfully submit that the vessels fined by me were in Va. waters, subject to our Va. laws, and in my judgment the money collected should not be turned over to the Maryland authorities.

Very respectfully,

W. E. Hudgins,

Capt. S. Str. "Rappahannock".

Rosita, Va.,  
4/10-06.

Gov. Claude A. Swanson,  
Richmond, Va.,

Dear Gov:

At the request of Capt. W. E. Hudgins, State Str. "Rappahannock", I beg leave to write him that the complaint lodged against him by the Md. authorities is (in my humble opinion) groundless. And also the allegation that this complaint is similar to a former complaint, in which Maryland refused to Virginia the fines illegally paid, is (I think) erroneous.

1st./ Having assisted Capt. Hudgins in his first explanatory statement of February 20, to Your Excellency, I am conversant with the facts, which are briefly, as follows: Capt. Hudgins overhauled the vessels (in question) anchored with uncultured oysters, in Machodoc Creek, King George Co., Va. and fined them (I think) legally, because (while they were Maryland citizens "de facto") they were Va. citizens "de jure" -- anchored in Virginia waters -- violating and amenable to Va. laws by virtue of Sec. 5 of the concurrent law, approved March 2, 1894.

2nd. I am also conversant with the facts of the former complaint, in which Maryland refused to Va. the fines illegally collected from Va. citizens, which facts are of record and as follows: during Gov. Tyler's administration Commander Howard of the Md. Police Force, & his Deputies arrested Cutler, Lewis, Middleton and Miller (4 Va. citizens) in the Potomac River for violating the concurrent cull law, & carried them into Maryland, where they were tried and fined; whereupon, I complained to



Gov. Tyler that this procedure was a violation of Sec. 10 of the Md. and Va. compact of March 28, 1785, Govs. Tyler & Smith of Md. and Va. respectively, referred the matter to their Atty-Genls., -- Messrs. Montague and Raynor, who decided that Commander Howard was in error and awarded to Va. the fine, thus illegally imposed and collected. In conclusion I most respectfully submit that the foregoing is a succinct statement of the facts in the two complaints, & leave it to Your Excellency's superior judgment to decide whether the complaints are similar - whether Capt. Hudgins is in error.

Ever with the highest regards & C.

M. L. Price, Inspector,

Dist. 13.

Whereupon, on motion of the Comptroller, seconded by the Treasurer, the Secretary was directed to take up, with the Attorney-General of Maryland, the question of the imposition of fines by the Virginia authorities upon Maryland citizens, and obtain his opinion as to the liability of the State of Virginia. Seconded by the Comptroller and adopted.

The following communication from Mr. John W. Marshall, Second Vice-President of the Safe Deposit and Trust Company was received:

April 16, 1906.

Hon. Edwin Warfield,  
Fidelity Building,  
Baltimore.

My dear Governor Warfield: -

Will the State require any land in the vicinity of its Light Street property for tobacco warehouses to take the place of the property which has been, and which is to be, acquired by the City? If so, we would like to call to your attention the fact that belonging to one of our Estates we have a lot at the corner of Perry Street running from Light Street to Charles Street, say 72 by 300 feet in fee simple. These dimensions are net after the widening of Light Street and this property is at present separated from the State's property fronting on Charles Street, by Perry Street, and I understand the property belonging the State after the widening of Light Street, will front on that street. If the State has need of this

able until June 1st, and it will be necessary to borrow in order to meet expenses for the months of May, July, August and September.

Respectfully submitted,

(signed) T. C. B. Howard.

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"Whereas the boiler of the Steamer 'Governor Thomas' is in such a dangerous condition that the boiler inspectors refuse to pass it after the expiration of the present license, therefore

Be it resolved, that Commander Howard be authorized to ask for bids for a new boiler, to be submitted to the Board of Public Works," which was seconded by the Treasurer and carried.

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which properly belonged to the State of Maryland but were diverted by this unfair treatment to the State of Virginia.

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With esteem and regard, I am,

Very truly yours,

(signed) Oswald Tilghman,

Secretary, Board of  
Public Works.

Governor's Office,  
Richmond, March 26, 1906.

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My dear Sir: -

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With consideration of high esteem, I remain,

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property we will be very glad to state a price at which we will be willing to sell the same and won't you kindly let us have a reply in the next few days.

Very truly yours,  
(signed) Jno. W. Marshall,

2nd Vice-President.

and the Secretary was instructed to acknowledge the receipt of the same, and to say that the communication had been filed for future reference, no action being taken thereon at this time.

The Governor submitted to the Board the following communication from Col. Sherlock Swann, Chairman of the Burnt District Commission of Baltimore City:

Baltimore, Md., April 10/06.

His Excellency, Edwin Warfield,  
Governor of Maryland,  
Fidelity Building, City.

My dear Sir: -

I dislike to write you again on the same subject, but will you kindly try to arrange a meeting, as soon as possible, between the Board of Public Works and this Commission in order that we can try and arrive, without delay, at a valuation of the State's property on Light Street?

We are very anxious to be able to finally complete our work and must have this property before we can do so.

I am, Very truly yours,  
(signed) Sherlock Swann,

Chairman.

On motion, the Secretary was instructed to notify the Burnt District Commission that the Board would meet that body in conference, at noon on Friday, April 27th, in room 703 Fidelity Building, Baltimore, and the Governor was directed to secure an estimate of the value of the Light Street property in the meantime.

The Governor presented the following communication of Mr. Franklin Weems, Secretary of the American Tobacco Growers Association:

April 18, 1906.

RESOLVED, by the Board of Directors of the Maryland Tobacco Growers Association, that the Board of Public Works of the State of Maryland is



requested to safeguard all wharf and wharfage rights belonging to the State of Maryland upon Light Street, by expressly excepting all such wharf and wharfage rights in the sale and conveyance of any part of the State Tobacco Warehouses to the City of Baltimore for the purpose of widening Light Street.

True copy, Test:

(signed) Franklin Weems,

Secretary.

which was ordered spread on the Minutes, and the Secretary was directed to acknowledge receipt of the same.

The following bills for advertising for proposals for the purchase of the stock of the State in the Washington Branch of the Baltimore & Ohio Railroad Company were received and ordered paid:

The Evening News .....	\$32.60
The World .....	45.00
The New York Herald .....	66.60
Herald Publishing Company .....	50.00
Charles C. Fulton Company .....	61.50
A. S. Abell Company .....	61.20

whereupon these bills were turned over to the Comptroller for payment.

On motion of the Comptroller, seconded by the Treasurer

It was resolved that the Commander of the State Fishery Force be instructed to order all of the State Fishery Force vessels to assemble in Annapolis harbor for inspection by the Board at ten o'clock on the morning of Thursday, May 10th, following which the Board, on motion of the Comptroller, decided to take up the question of the appointment of the officials of the State Fishery Force.

The Governor stated that the Oyster Conciliation Committee which was instrumental in securing the adoption of the so-called "Haman" law desired a conference with the Board of Public Works in Baltimore City in reference to the appointment of the Shell Fish Commissioners, to be chosen under said Act, whereupon the Board decided to meet the members of the Conciliation Committee in conference at 1.30 p.m. on Friday, April 27th, in room 703 Fidelity Building, Baltimore, and on the same day to elect said Shell Fish Commissioners.

The Secretary was directed to notify Mr. W. W. Parker, secretary of said Conciliation Committee, of the time and place of said meeting.

The following communications were laid before the Board by the Governor:

The Honorable  
The Board of Public Works  
of Maryland.

Gentlemen:

Herewith I submit an application to your Honorable body for the commission to paint the portraits of Mr. Bowie and Mathew Tilghman recently provided for by the legislature.

For some years, I have been painting portraits, and should my application be formally considered, I hope to do credit to my State and myself.

Very respectfully yours,

(signed) Katharine Kent Walton.

10 Francis Street,  
Annapolis, Maryland.  
April eighteenth, 1906.

To his Excellency,  
Gov. Edwin Warfield,  
President of the Board of Public Works.

We, the undersigned Committee, appointed by the Peggy Stewart Tea Party Chapter, Daughters of the American Revolution, to petition the Legislature to have the Portraits of Honorable Mathew Tilghman and Governor Robert Bowie painted to hang in the State House: - would respectfully suggest to the Board of Public Works the name of Miss Katharine Kent Walton, as the Artist to copy the same.

(signed) M. B. I. Gassaway  
Julia V. Woring Bowie  
Edith Marden Ridout  
Chairman.

April 3rd, 1906.

whereupon the Board, on motion of the Treasurer, seconded by the Comptroller, decided to have Miss Walton paint first the portrait of Gov. Robert Bowie and, if her work is successful, that she be then authorized to paint the Mathew Tilghman portrait, - the President of the Board to arrange with Miss Walton as to her compensation, etc.

The following communication from the Board of County Commissioners of Talbot County was received and ordered spread on the Minutes:

Easton, Md., April 3, 1906.

To the Honorable Board of Public Works of Maryland:

Gentlemen:

Believing it will increase our next year's oyster supply by giving the young oysters protection at this time, you are requested to continue Capt. John F. Gibson, and one man on duty to

guard the mouth of the Tred Avon River until May 1st, 1906. The authority is given you by an act passed at the session of this year.

By order of the Commissioners of Talbot County.

Attest: Joseph B. Harrington, Clerk. J. Percy McKnett, President.

whereupon the Comptroller moved that the request be complied with, if the cost of the same be paid by Talbot County, which was adopted.

The following letter from Mr. Hood Gilpin was received and ordered spread on the Minutes:

Philadelphia, April 7, 1906

Hon. Edwin Warfield,  
Governor of Maryland.

Dear Governor Warfield: -

The Chesapeake and Delaware Canal Company which you will remember came to Annapolis the winter to secure an amendment to its charter and was defeated, is now engaged in trying to prevent the Ericsson Line from carrying the annual Election for Directors and President of the Canal Company on the 1st Monday of June next, and securing the control of that Company in the interest of the Ericsson Line.

We feel that the interest of all bond and stockholders of the Canal Company should be united against this movement. Do you feel as if the State of Maryland would give its proxy on its 1625 shares to be voted for the future management of the Canal Company in its own interest

If so, how could it be obtained for that purpose?

I do not want to annoy you on a matter of this kind and remain,

Yours very respectfully,

(signed) Hood Gilpin.

On motion of the Comptroller, seconded by the Treasurer, it was decided to give power of attorney to vote the 1625 shares of stock held by the State to Mr. Gilpin as requested by him, said stock to be voted in behalf of the present management, and the Secretary was directed to prepare the proper proxy, and forward the same to Mr. Gilpin, which he did.

The Governor submitted the bill of Mr. Frank V. Rhodes, for one thousand dollars in payment of services rendered in investigating the matter of the Washington Branch of the Baltimore and Ohio Railroad Company, and reporting thereon to the Board of Public Works. On

motion, the Board decided to pay Mr. Rhodes seven hundred and fifty dollars, as full compensation for his services in this matter.

The Comptroller offered the following:

Whereas, the Legislature of 1906 has chartered three banking institutions for Talbot County, and,

Whereas, said institutions are about to organize, which will result in increasing the competition in banking facilities in said County, and will thereby decrease the earning capacity of the Easton National Bank, and its dividend-paying power, which will result in the depreciation of the value of the stock of the said Easton National Bank, which this Board believes can be sold now at a fair price, and that it will be good policy for the State to sell the same, therefore,

Be it resolved, by the Board of Public Works of Maryland that an advertisement for proposals for said stock be prepared and published in the Baltimore Sun, and two papers published in Talbot County, and that said advertisement require the deposit of a certified check for \$5,000. as a guarantee of good faith, and that said advertisement set forth the fact that the Board of Public Works reserves the right to reject any or all bids; seconded by the Treasurer and adopted.

Senator Marion V. Brewington of Wicomico County, with a delegation consisting of Capt. J. W. Willing, James Messick, and .....Culver, appeared before the Board to urge the selection of Capt. Willing as Shell Fish Commissioner. Messrs. Brewington, Culber and Messick spoke in high terms of Mr. Willing's ability and knowledge of oyster conditions, etc., and the applicant stated to the Board that, if selected, he would devote his entire time to the work.

On motion of the Comptroller, seconded by the Treasurer, the Board at 1.15 adjourned.

(R. S. Hart),

Acting Secretary.

*Orval D. Tilghman*  
Secretary